

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELVIN L. VIRGIL,

Plaintiff,

v.

AARON FINN, Corrections Officer,
ALEXANDER COSTANTINI, Corrections
Officer, PHILIP LANGDON, Corrections Officer,
JOHN DOE 1-8, Corrections Officers,
ANTHONY J. ANNUCCI, Acting Commissioner
of the New York State Department of Corrections
and Community Supervision,
MARK ROYCE, Former Superintendent of Green
Haven Correctional Facility,
JOHN DOE 9, supervising employee of DOCCS,
in their individual capacities,

Defendants.

~~PROPOSED~~
**ORDER TO PRODUCE
PLAINTIFF MELVIN VIRGIL**

Case No. 7:22-cv-3169 (CS)(JCM)

**TO: Michael D'Amore, Superintendent
Marcy Correctional Facility
9000 Old River Road
Marcy, New York**

WHEREAS Mr. Melvin Virgil, DIN 96B2200, is a Plaintiff in the above-captioned matter;

WHEREAS Mr. Virgil is currently in custody at Marcy Correctional Facility in Marcy, New York;

WHEREAS Mr. Virgil has retained an expert, Gerald Philip Varlotta, D.O., pursuant to Federal Rule of Civil Procedure 26 who will conduct a virtual medical examination of Mr. Virgil to be conducted via videoconference; and

NOW THEREFORE, IT IS ORDERED that the Superintendent of Marcy Correctional Facility produce Mr. Melvin Virgil by **March 8, 2024** for a virtual medical examination with Gerald Philip Varlotta, D.O., to be conducted via videoconference.

IT IS FURTHER ORDERED that Mr. Virgil must be allowed to participate in the videoconference in a privileged and confidential manner; DOCCS personnel must allow Mr. Virgil to bring any legal papers and he shall be allowed to participate in the videoconference without the presence of any third parties in the room.

Dated: White Plains, New York
February 23, 2024

SO ORDERED:



Cathy Seibel, U.S.D.J.